

Introduced by Senator Correa

February 27, 2009

An act to add Chapter 1.9 (commencing with Section 21990) to Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as introduced, Correa. Public contracts: public works: competitive bidding.

Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement.

This bill would set forth requirements for the solicitation and evaluation of bids, and the awarding of contracts by public entities for the erection, construction, alteration, or addition to any work of improvement, estimated to cost more than \$50,000, that is not otherwise required to be performed under a competitively bid contract, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.9 (commencing with Section 21990)
2 is added to Part 3 of Division 2 of the Public Contract Code, to
3 read:

4
5 CHAPTER 1.9. OTHER PUBLIC WORKS OF IMPROVEMENT
6

7 21990. This chapter shall apply to the erection, construction,
8 alteration, repair, or addition to any work of improvement estimated
9 to cost more than fifty thousand dollars (\$50,000) that is not
10 otherwise required to be performed under a competitively bid
11 contract by state law, or by the charter or an ordinance of a city,
12 city and county, or county, when the work of improvement meets
13 any of the following criteria:

14 (a) The work of improvement is owned by a public entity as
15 defined in Section 1100.

16 (b) The work of improvement is intended to be conveyed to a
17 public entity, as defined in Section 1100, within five years of
18 completion of the work of improvement.

19 (c) The work of improvement is financed in substantial part by
20 money derived from taxes or assessments of, or bonds sold by or
21 guaranteed by, any public entity as defined in Section 1100.

22 21991. A notice inviting bids for the project shall be published
23 at least once a week for two consecutive weeks or more, with the
24 last publication no less than 10 calendar days before the date of
25 opening the bids.

26 (a) The notice shall be published in a newspaper of general
27 circulation, printed and published in the county where the project
28 is located, or if the project is located in more than one county, in
29 a newspaper in the county where the major portion of the work is
30 to be done.

31 (b) The notice shall distinctly describe the project, state the date,
32 time, and place for the receipt and opening of sealed bids, and note
33 where plans and specifications for the project can be obtained.

34 21992. (a) No bids shall be accepted after the time stated in
35 the public notice for the receipt and opening of bids, and any bid
36 tendered after that time shall be returned, unopened, to the person
37 who tendered it. On the day stated in the public notice for the

1 receipt and opening of bids, all bids shall be publicly opened and
2 announced.

3 (b) All bids shall be made available during normal business
4 hours for inspection and copying by any person at the place where
5 bids were opened. Bids shall be available for inspection and
6 copying for 90 days after the opening of bids.

7 21993. A public agency may reject all bids if all of the
8 following apply:

9 (a) Cogent and compelling reasons to reject all bids exist.

10 (b) Rejecting all bids is in the best interest of the public agency
11 involved.

12 (c) Rejecting all bids will not result in treating any of the bidders
13 in an unfair or unequal manner.

14 21994. The successful bidder shall provide appropriate bonds
15 to the public agency to insure the faithful performance of the
16 contract and the payment of subcontractors and suppliers.

17 21995. (a) The contract shall be awarded to the responsible
18 bidder who submits the lowest responsive bid.

19 (b) All contracts under this chapter shall comply with Chapter
20 1 (commencing with Section 1720) of Part 7 of Division 2 of the
21 Labor Code.

22 SEC. 2. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.